

Appl. No.: 09/876,896

Amdt. Dated: October 10<sup>th</sup>, 2005

Reply to OA of 6/10/05

**REMARKS**

This amendment is offered in response to the Action dated June 10<sup>th</sup>, 2005. With this response, claims 1-25 remain pending. In view of the foregoing amendments and the following remarks, Applicant respectfully requests favorable reconsideration of the above captioned application.

**§102(b) Rejection of Claims 1-8**

In paragraph 2 - 5 of the Action, claims 1-8 were rejected as being anticipated by a patent issued to Omura, or alternatively by a patent issued to Teder, et al. pursuant to 35 USC §102(b). In response, Applicant respectfully disagrees with the basis for such rejections.

Applicant respectfully maintains its arguments from its last response, noting that the citations from the Omura and Teder references fail to teach each and every element of the claimed invention as presented in the Application. *See Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

Nonetheless, in an effort to conclude prosecution of this matter, Applicant has amended claims 1, 5, 7, 15 and 20, as above, to further distinguish the claimed invention from that of the cited references. Support for the amended claims may be found in the original specification, claims and/or figures and, as such, no new matter is being introduced. In view of such amendments, Applicant respectfully requests that the rejection of claims 1, 5 and 7 be withdrawn.

Applicant notes that claims 2-4, 6 and 8-11 each depend from patentable base claims 1, 5 or 7, respectively. Thus, in addition to any independent bases for patentability, Applicant respectfully submits that claims 2-4, 6 and 8 are likewise patentable over the Omura reference by

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virtue of at least such dependence on patentable base claims 1, 5 or 7. Accordingly, Applicant respectfully requests that the §102(b) rejection of such claims be withdrawn.

### CONCLUSION

Applicant respectfully submits that claims 1-14, as amended, and new claims 15-25 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Date: October 10, 2005

Respectfully submitted,  
AROGYASWAMI J. PAULRAJ, ET AL.  
by: /s/ Michael A. Proksch / Reg. No. 43,021 /  
Michael A. Proksch  
Reg. No. 43,021  
Attorney for Assignee Intel Corporation

Intel Corporation  
c/o Blakely, Sokoloff, Taylor & Zafman, LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025-1026